

**PROVISO SUBCOMMITTEE
TRANSPORTATION & REGULATORY
RECOMMENDATIONS FOR FY 2019-20
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.5 DELETE (Acting Executive Director) Authorizes the acting Executive Director of ORS to exercise all of the powers and duties of the Executive Director until the Governor appoints a successor. Directs that the General Assembly hereby ratifies all official decisions made by the acting Executive Director of ORS between January 15, 2018 and June 30, 2018.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~73.5. (ORS: Acting Executive Director) (A) When the position of agency head at any of the State's various agencies is vacant, the General Assembly finds that a person acting in the capacity of acting agency head has the full legal authority to take any and all official actions to fulfill the duties and responsibilities of agency head until such time as the vacancy has been filled. Therefore, the acting Executive Director of the Office of Regulatory Staff is authorized to exercise all of the powers and duties of the Executive Director, as designated in statute, including the power to expend funds for the purpose of executing the duties required of the office and as otherwise may be required to fulfill the Office of Regulatory Staff's statutory responsibilities until such time as the previous executive director's successor is appointed by the Governor. Further, the General Assembly hereby ratifies any and all official decisions made by the acting Executive Director between January 15, 2018 and June 30, 2018.~~

~~(B) The executive director or acting executive director of the Office of Regulatory Staff has the authority to file an action against an entity in circuit court to obtain injunctive relief requiring the production of documents or witnesses. Such action may be brought under the following circumstances and in the county in which the facility is located:~~

~~(1) an entity has provided goods or services, including, but not limited to, plans, studies, and reports related to the design, construction, or operation of a facility located in South Carolina and that facility has been the subject of a proceeding concerning the Base Load Review Act;~~

~~(2) the executive director determines that the production of documents or witnesses from the entity described in item (1) is necessary in order for the Office of Regulatory Staff to accomplish its responsibilities; and~~

~~(3) the entity that has provided goods or services as described in item (1) has refused to provide the requested documents or witnesses.~~

~~(C) The relief that may be granted in an action described above is an order requiring the production of documents, an order requiring the appearance of a witness or witnesses, an order allowing the Office of Regulatory Staff to take depositions of witnesses, or any combination thereof. Any order granting such relief must provide reasonable protections to the entity subject to the order, including that any depositions will be taken at a location convenient to the witnesses. In the event that a deposition is ordered, the Office of Regulatory Staff must give notice to the utility and any other party to any proceeding in which the deposition may be used, so that the utility and any such party will have an opportunity to appear and participate in the deposition.~~

~~(D) An action brought by the executive director or acting director pursuant to this proviso shall be given administrative priority by the chief administrative judge for the circuit in which it has been brought and must be heard and decided as expeditiously as is consistent with due process. Failure to comply with an aforementioned court order issued may be found in contempt and fined in the discretion of the court.~~

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SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS

- 80.2 DELETE** (Student Athlete/Agents Registration) Authorizes the agency to retain and use registration fees collected from the regulation of athlete agents.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Consumer Affairs.

~~80.2. (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.~~

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

- 82.7 AMEND** (Phoenix III Migration Pilot) Authorizes DMV, upon approval from DOA through the IT project governance process, to expend the remainder of the \$1,000,000 from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference from “2018-19” to “2019-20.” Requested by Department of Motor Vehicles.

~~82.7. (DMV: Phoenix III Migration Pilot) In Fiscal Year 2018-19~~ 2019-20, the department shall be authorized to expend the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of Administration through the IT project governance process established by proviso 117.117.

- 82.8 AMEND** (Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID, except for the funds designated for the Phoenix III pilot.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference from “2018-19” to “2019-20.” Requested by Department of Motor Vehicles.

~~82.8. (DMV: Real ID) For Fiscal Year 2018-19~~ 2019-20, the Department of Motor Vehicles may expend any available earmarked cash reserves, with the exception of the funds designated for the Phoenix III pilot, on the implementation of Real ID.

SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

- 83.5 AMEND** (UI Tax System Modernization) Authorizes DEW to spend up to \$3,178,053 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds be used to replace the agency’s unemployment tax information system with a modern technology solution. Prohibits the funds from being obligated after a 2-year period beginning July 1, 2018.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “\$3,178,053” to “\$2,749,690” and update the calendar year reference from “2018” to “2019.” Requested by Department of Employment and Workforce.

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83.5. (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to ~~\$3,178,053~~ \$2,749,690 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2018~~ 2019. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.

83.6 **AMEND** (Employment Training Outcomes Data Sharing) Directs DEW to require training and employment data integration. Require DEW to enter into a data-sharing agreement with eligible training providers and with various agencies and entities. Require state agencies needing data to meet an exception permitting disclosure.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the provision that Department of Commerce is excluded from paying costs associated with data sharing. Requested by Department of Employment and Workforce.

83.6. (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), requires integration of training and employment data for the purposes of improving assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this Act.

(A) The department must enter into a data-sharing agreement with eligible training providers (ETPs) prior to the ETP entering student data into the Palmetto Academic Training Hub (PATH). ETPs will submit data related to the types of training programs offered, individual student coursework, including personal identifying information (PII) to match training, employment data and performance outcomes, program completion and time to complete, and program costs, as outlined in federal guidance.

(B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting disclosure, pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies, ~~excluding the Department of Commerce,~~ for costs, as described in federal and state law, for the data sharing requests. ~~The Department of Commerce shall not be charged for costs associated with this provision.~~

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.9 **DELETE** (Bridge Replacement in McCormick County) Directs that planning and construction on a new U.S. 378 bridge crossing Lake J. Strom Thurmond must provide for and allow McCormick County to attach water and sewer lines to the new bridge in the same manner they are attached to the existing bridge and directs that McCormick County bear the cost of attaching the lines.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Transportation.

~~84.9. (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake J. Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.~~

84.16 DELETE (Public Utility Relocation) Authorizes DOT to use its federal-aid road and bridge program funds for the relocation of public water and sewer lines.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Transportation.

~~84.16. (DOT: Public Utility Relocation) From the funds authorized in the current fiscal year, the Department of Transportation may use its federal aid road and bridge program funds for the relocation of public water and sewer lines in accordance with federal guidelines.~~

SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS

86.if ADD (Increased Funding) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that the CTC increased funding requirement pursuant to Section 13 of Act 40 of 2017 [SC INFRASTRUCTURE AND ECONOMIC DEVELOPMENT REFORM ACT] come from proceeds generated by Section 12-28-310(D) [MOTOR FUEL USER FEE INCREASE] and be used exclusively for repairs, maintenance and improvements to the highway system.

86.if. (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs, maintenance, and improvements to the state highway system.

SECTION 117 - X900 - GENERAL PROVISIONS

117.107 DELETE (South Carolina Welcome Centers) Directs PRT and DOT maintain a MOU that provides that PRT controls operations of all SC Welcome Centers and specifies control of certain responsibilities. Directs DOT to transfer \$3,563,560, less any state funds appropriated by the General Assembly for Welcome Centers, to PRT. Directs that these funds be placed in a separate and distinct fund and authorizes these funds to be carried forward and used for the same purposes. **PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

~~117.107. (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly for the same purpose. The Department of Parks, Recreation and Tourism~~

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~~assumes responsibility for this amount and the timing of the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purposes.~~

117.If **ADD** (Legal Funding Transactions) **PROVISO SUBCOMMITTEE**
RECOMMENDATION: ADD new proviso to direct Consumer Affairs to suspend and stop investigations and enforcement resulting from Administrative Interpretation 3.104,106-1403 [LEGAL/LITIGATION FUNDING TRANSACTIONS] until the General Assembly addresses this issue.

117.If. (GP: Legal Funding Transactions) With the funds appropriated and authorized to the Department of Consumer Affairs for the current fiscal year, the department shall suspend and cease any investigations, enforcement procedures, or actions as a result of the Administrative Interpretation 3.104,106-1403 issued by the department and dated November 14, 2014. The department shall not make any such administrative determinations for legal funding transactions without the clear expression of intent from the General Assembly regarding the applicability of this administrative interpretation.